IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24429 of 2004

Between:

B. Lalithamma, W/o. Amarnath Reddy,

F.P.Shop Dealer, Gurrambylu Village,

Tanakal Mandal, Ananthapur District.

..... PETITIONER

AND

1. The Joint Collector, Ananthapur District.
2. The Revenue Divisional Officer, Penukonda,
   Ananthapur District.
3. The Mandal Revenue Officer, Tanakal Mandal,

   Ananthapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more in the nature of Mandamus, declaring the action of 2nd respondent in suspending the dealership of the petitioner by his proceedings in Rc.No.1954/04-E dated 03.11.2004 and the order of the 1st respondent dated 16.12.2004 in Rc.No.1954/2004 as being illegal, arbitrary and violative of principles of natural justice and consequently set aside the same.

Counsel for the Petitioner: MR.R.N.HEMENDRANATH REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following:

ORAL ORDER:

The petitioner was appointed as a Fair Price Shop dealer. Through a show cause notice-cum-suspension order dated 3.11.2004, the second respondent suspended the authorization of the petitioner. She filed W.P.No.22003 of 2004 before this court against the order of suspension. On 1-12-2004 this court disposed of the writ petition leaving it open to the petitioner to avail the remedy of appeal under Clause 20 of the A.P. State Public Distribution System Control Order, 2001 (for short 'the Control Order') before the first respondent. A direction was issued to the first respondent to dispose of the application for interim orders within one week from the date of presentation of the same. The petitioner had since availed the remedy of appeal and she also filed an application for interim orders. The first respondent did not accede to the request of the petitioner for interim orders, through proceedings dated 16.12.2004. Hence this writ petition.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

When the petitioner approached this court directly, aggrieved by the order of suspension, she was directed to avail the remedy of appeal under the Control Order. The reason was that the appellate authority would be in a better position to appreciate the matter after examining the record. The effort was only to ensure that the authority, in whom the powers are vested under the Control Order, may take the stock of the situation and pass appropriate orders.

The petitioner filed an appeal as well as an application for interim order. The application of the petitioner for interim orders was disposed of through proceedings dated 16-12-2004 by the "Collectorate, Ananthpur". The operative portion of the order reads as under:

> "On perusal of the grounds of the petition and material papers filed by the petitioner, the petition is hereby disposed. The Revenue Divisional Officer, Penukonda is directed to dispose of the case pending before him as expeditiously as possible in accordance with law."

The order is signed by one Sri K. Narsing Rao “for Collector (CS), Anantapur”. It is not clear as to whether the portion extracted above is authored by the Joint Collector or by Sri K. Narsing Rao. The stay petition was said to have been disposed of without indicating the result thereof, namely, whether the stay is granted or rejected. A direction was issued to the second respondent to dispose of the case pending before him, as expeditiously as possible. In the preceding paragraph the records from the second respondent in the matter were called for.

The whole exercise discloses that the appellate authority had exhibited supine indifference in exercise of statutory powers. The power and exercise of it was reduced to an empty formality. He did not choose to act in a cautious manner, particularly when the appeal was presented pursuant to the order of this court. If the order has emanated from the Collectorate, it is a sad reflection on the functioning of that office and needs to assessed at appropriate level. At one stage, it was thought of issuing notice to the officers who are associated with the said proceedings. However, it was given up lest an impression is gathered that this the court is after certain officers. However, this much can be said that the text of the order referred to above would certainly reflect upon the quality and nature of the administration in the District, which, in turn would, reflect the one at the State level.

For the foregoing reasons, the Writ Petition is allowed and the order dated 3-11-2004 passed by the second respondent shall remain suspended till the second respondent passes appropriate orders in the appeal proceedings and the petitioner shall be entitled to function as a dealer. There shall be no order as to costs.

Copies of this order is directed to be marked to the Chief Secretary and the Commissioner, Civil Supplies.

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L. Narasimha Reddy, J.

28th December, 2004

js.

To

1. The Joint Collector, Ananthapur District.
2. The Revenue Divisional Officer, Penukonda,

Ananthapur District.

3. The Mandal Revenue Officer, Tanakal Mandal,
Ananthapur District.

4. The Chief Secretary to Government, Government of A.P. Hyderabad.

5. The Commissioner, Civil Supplies Department, Hyderabad.

6. Two CCs to G.P for Civil Supplies, High Court of A.P. Buildings,
Hyderabad (OUT).

7. Two CD Copies.